


dependent claims 4-6). Emphasis added. All the remaining claims in '298 are dependent on the three independent claims, i.e., claims 1-3, and do not further change or limit the dosage regimens.

The Office Action points to the specification of '298 when making the rejection and alleges that the patent teaches weekly and monthly administrations. It is well settled law that the patent disclosure may not be used as prior art in an obviousness-type double patenting rejection. In limited circumstances the specification may be looked at, for example, only as a dictionary to learn meaning of terms in a claim, but the rejection has to be over the claims of the patent and not over the disclosure. See *Vogel*, supra.

Accordingly, reconsideration is requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Csaba Henter (Reg. No. 50,908)
Anthony J. Zelano (Reg. No. 27,969)
Attorneys for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: GULDE-26

Date: November 23, 2004

CH/AJZ/pdr
K:\GULDE\26\Reply Dec 04.doc